

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALI SHAHROKI,
 Plaintiff(s),

v.

MATHEW HARTER, et al.,
 Defendant(s).

Case No. 2:21-cv-01126-RFB-NJK

Order

[Docket Nos. 84, 85, 91, 93, 94, 113]

Pending before the Court is a motion to stay discovery filed by Defendants Marzola & Ruiz Law Group and Yvonne Ruiz. Docket No. 84; *see also* Docket No. 86 (supplement). Defendants Standish, Spradling, Thielke, Standish Law Group, and Harter filed joinders to that motion. *See* Docket No. 94, 113. Plaintiff filed a response in opposition, Docket No. 125; *see also* Docket No. 128 (response to joinder), and Defendants Marzola & Ruiz Law Group and Ruiz filed a reply, Docket No. 158.

Also pending before the Court is a motion to stay discovery filed by Defendants Burrow and Pearson. Docket No. 85. Defendant Harter filed a joinder to that motion. Docket No. 93.

Also pending before the Court is a motion to open discovery filed by Plaintiff. Docket No. 91. Defendant Harter filed a response. Docket No. 132; *see also* Docket No. 134 (corrected image). Defendants Burrow, Pearson, Standish, Spradling, Thielke, Standish Law Group, Marzola & Ruiz Law Group, and Ruiz filed joinders to that response. Docket No. 138, 139, 141.

The Court does not require a hearing on these motions. *See* Local Rule 78-1. For the reasons discussed more fully below, the motions to stay discovery and the joinders thereto (Docket Nos. 84, 85, 93, 94, 113) are **GRANTED** and the motion to open discovery (Docket No. 91) is **DENIED**.

1 **I. STANDARDS**

2 The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of*
 3 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). “The Federal Rules of Civil Procedure do not provide
 4 for automatic or blanket stays of discovery when a potentially dispositive motion is pending.”
 5 *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed
 6 absent a “strong showing” to the contrary. *Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175
 7 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay
 8 discovery may be granted when: (1) the underlying motion is potentially dispositive in scope and
 9 effect; (2) the underlying motion can be decided without additional discovery; and (3) the Court
 10 has taken a “preliminary peek” at the merits of the underlying motion and is convinced that the
 11 plaintiff will be unable to prevail. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.
 12 2013). The Court is guided in its analysis by the objectives in Rule 1 to secure a just, speedy, and
 13 inexpensive determination of cases. *Tradebay*, 278 F.R.D. at 602.

14 **II. ANALYSIS**

15 A stay of discovery is appropriate here. As to the first two requirements, the underlying
 16 motions to dismiss are potentially dispositive of this case and can be decided without discovery.
 17 As to the third requirement, the undersigned’s evaluation of the motions to dismiss reveal that they
 18 are sufficiently meritorious to justify a stay of discovery.¹

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 26 ¹ Conducting the preliminary peek puts the undersigned in an awkward position because
 27 the assigned district judge who will decide the motions to dismiss may have a different view of
 28 their merits. *See Tradebay*, 278 F.R.D. at 603. This “preliminary peek” at the merits of those
 motions is not intended to prejudice their outcome. *See id.* As a result, the undersigned will not
 provide a lengthy discussion of the merits of the underlying motions. Nonetheless, the undersigned
 has carefully reviewed the arguments presented in the underlying motions and subsequent briefing.

1 **III. CONCLUSION**

2 Accordingly, the motions to stay discovery and the joinders thereto (Docket Nos. 84, 85,
3 93, 94, 113) are **GRANTED** and the motion to open discovery (Docket No. 91) is **DENIED**. In
4 the event resolution of Defendants' motions to dismiss does not result in the termination of this
5 case, a discovery plan or joint status report must be filed within 14 days of the issuance of such
6 order(s).

7 IT IS SO ORDERED.

8 Dated: October 26, 2021

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12 Nancy J. Koppe
13 United States Magistrate Judge
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